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8	BEFORE THE BOARD OF REGISTERED NURSING
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
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11	In the Matter of the Accusation Against: Case No. 2009-231
12	EIKO TANIUCHI A C C U S A T I O N 480 Quail Meadow
13	Irvine, CA 92603
14	Registered Nursing License No. 579154
15	Respondent.
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17	Complainant alleges:
18	<u>PARTIES</u>
19	1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
20	solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
21	Department of Consumer Affairs.
22	2. On or about March 28, 2001, the Board of Registered Nursing (Board)
23	issued Registered Nùrsing License No. 579154 to Eiko Taniuchi (Respondent). The Registered
24	Nursing License was in full force and effect at all times relevant to the charges brought herein
25	and will expire on November 30, 2010, unless renewed.
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JURISDICTION

 This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code.

STATUTORY PROVISIONS

4. Section 726 states, in pertinent part:

"The commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any person licensed under this division, under any initiative act referred to in this division and under Chapter 17 (commencing with section 9000) of Division 3."

- 5. Section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
 - 6. Section 2761 states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct"
- 7. Section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

COST RECOVERY PROVISION

8. Section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

STATEMENT OF FACTS

- 9. On or about August 15, 2002, Patient A.O. received a liver transplant at Saint Vincent Medical Center. During his recovery, Patient A.O. and his mother met Respondent, who was working as a Registered Nurse at Saint Vincent Medical Center.

 Respondent was not assigned to care for Patient A.O.
- 10. After Patient A.O. was released from Saint Vincent Medical Center,
 Patient A.O.'s mother contacted Respondent and asked if Respondent would provide home
 health care services to Patient A.O. In or about September 2002, Respondent began providing
 part-time assistance to Patient A.O.
- 11. In or about October 2002, Respondent moved into Patient A.O.'s home as her place of residence. Respondent and Patient A.O. entered into a personal, financial and sexual relationship. Patient A.O. added Respondent's name to the titles on his house, vehicles and bank accounts, and as a beneficiary of his living trust.
- 12. Because Patient A.O.'s medical condition was job-related, his care was paid for by his employer's worker's compensation carrier, Hazelrigg Risk Management (Hazelrigg). In or about May 2003, Hazelrigg began compensating Respondent for her services as Patient A.O.'s full-time home health care nurse. Hazelrigg continued to pay Respondent for these services until in or about October 2003.
- 13. Respondent's personal, financial and sexual relationship with Patient A.O. continued throughout the time that she worked as Patient A.O.'s paid home health care nurse, and lasted until in or about June 2006, when Respondent moved out of Patient A.O.'s home. When Respondent left Patient A.O., she took with her a Mercedes car that Patient A.O. had purchased. Thereafter, she had Patient A.O.'s name removed from the title to that car. She also withdrew thousands of dollars from one of the joint accounts.

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CAUSE FOR DISCIPLINE (Unprofessional Conduct)

14. Respondent is subject to disciplinary action under section 726 and section 2761, subdivision (a), for having a sexual and financial relationship with Patient A.O. while she was working as his home health care nurse. Complainant refers to and incorporates all of the allegations in paragraphs 9 through 13, inclusive, as though set forth fully.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nursing License No. 579154, issued to Eiko Taniuchi;
- 2. Ordering Eiko Taniuchi to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
 - 3. Taking such other and further action as deemed necessary and proper.

DATED: 3(27109

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Executive Officer

Board of Registered Nursing

Department of Consumer Affairs

State of California Complainant